

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

GARY SAMUELS and )  
SONDRA SAMUELS, )  
Plaintiffs, )  
v. ) Case No. 01-0925-CV-W-HFS  
AMERICAN FAMILY INSURANCE )  
COMPANY, )  
Defendant. )

**ORDER**

Plaintiffs have filed a motion for new trial. Most of the issues have been ruled at trial. A new issue is that Sondra Samuels should not be barred from recovery because of any negligence of her husband. As counsel candidly acknowledges, the submission was in a form proposed by plaintiffs and they cannot complain of a contention not timely made. However, since the suit was for uninsured motorist's liability and the jury found no phantom vehicle causation, neither plaintiff would be entitled to recover.

The motion for new trial is denied. SO ORDERED.

/s/ Howard F. Sachs  
HOWARD F. SACHS  
UNITED STATES DISTRICT JUDGE

April 19, 2005

Kansas City, Missouri